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Official Report of Debates (Hansard)

Monday 24 October 2016

Journal des débats (Hansard)

Lundi 24 octobre 2016

Standing Committee on General Government

Committee business

Comité permanent des affaires gouvernementales

Travaux du comité



Chair: Grant Crack
Clerk: Sylwia Przezdziecki

Président : Grant Crack
Greffeure : Sylwia Przezdziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Monday 24 October 2016

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Lundi 24 octobre 2016

The committee met at 1401 in committee room 2.

COMMITTEE BUSINESS

The Chair (Mr. Grant Crack): Good afternoon, members of the committee, Clerk, legislative research, Hansard. It's great to be here this afternoon.

I would like to call the Standing Committee on General Government to order. We are here today to work to organize how to proceed with Bill 2, An Act to amend various statutes with respect to election matters. The subcommittee did meet last week, and there were challenges coming up with a way forward on how to proceed with Bill 2, as far as public hearings and amendments.

I'll open it up for discussion. Mr. Baker.

Mr. Yvan Baker: Chair, I just thought that I'd share a few words and then maybe propose something, as far as how the committee could move forward.

From the beginning, we've aimed to change how politics are done in Ontario with this legislation. For changes as monumental as this, we took the unusual step of referring this bill to committee after first reading in the last session to hear directly from the people of Ontario.

We held four weeks of consultations over the summer, hearing from over 50 deputants, including the leader of the Green Party, interested citizens, lawyers, officers of the Legislature and elections experts selected by the opposition.

Based on those hearings, we proposed amendments designed to strengthen the bill, including many that had opposition support. We also announced at that time that, following second reading, we would propose additional amendments at second reading that would go further and ban MPPs from attending fundraisers altogether.

I'm pleased to say that the government House leader has told both opposition parties that they will receive a technical briefing on these amendments this week, in advance of public hearings.

We have now debated this bill in the Legislature for over 10 hours and we know the other parties' positions. But now we want to hear from Ontarians on our amendments and proposed amendments. To do this, we need to agree on the schedule for this bill. The Clerk, of course, cannot start advertising or scheduling public hearings until we pass a motion on organization, so I urge the opposition to stop any delay tactics and agree to the following motion. The motion is:

I move that the following arrangements be made with regard to Bill 2, An Act to amend various statutes with respect to election matters:

(1) That the committee hold public hearings on the bill in Toronto at Queen's Park on Monday, October 31, and Wednesday, November 2, 2016, during its regular meeting times;

(2) That the Clerk of the Committee, with the authorization of the Chair, post notice of the public hearings on the Ontario parliamentary channel, the Legislative Assembly website and with CNW NewsWire service;

(3) That witnesses be scheduled on a first come, first served basis;

(4) That witnesses be offered 10 minutes for their presentation, followed by nine minutes of questions by committee members;

(5) That the deadline for written submissions be 5 p.m. on November 2, 2016;

(6) That amendments to the bill be filed with the Clerk of the Committee by 10 a.m. on Wednesday, November 9, 2016; and

(7) That the committee meet for clause-by-clause consideration of the bill on Monday, November 14, and Wednesday, November 16, 2016, during its regular meeting times.

The Chair (Mr. Grant Crack): Okay, thank you very much. Did you move that? Maybe I missed it.

Mr. Yvan Baker: I did move that. Yes, I did.

The Chair (Mr. Grant Crack): Okay. It's moved. Thank you very much. Do you have copies of that perchance? You do have copies to distribute to the other members? If the Clerk could do so, that would be great.

We're going to take up to a five-minute recess, if the committee will indulge, so that we can make copies of this. So we're recessed for three to five minutes.

The committee recessed from 1405 to 1409.

The Chair (Mr. Grant Crack): Back to order. Mr. Baker moved this particular motion, which is an organizational structure on how to proceed.

Ms. Fife had her hand up for comments or questions. Ms. Fife.

Ms. Catherine Fife: I just want to be clear about why we had to have this organizational meeting at this point in time. The bill that we have in front of us, and that we're talking about consulting on and taking out to the public for more discussion and more feedback, is not the bill that the government has alluded to. When the

Attorney General stood in his place in the House, he said that they would be moving forward substantive changes to Bill 2, which are not contained in this bill, substantive changes, transformative amendments which would fundamentally change this bill.

As the opposition parties, we think that if we're going to consult on Bill 2, then the major changes that the government has alluded to and has really been very positive about—they've said that this will totally raise the bar on the way that election financing happens in the province of Ontario, and in the entire country. We feel that the people of this province—we feel that, as fellow members who will obviously be affected by these substantive changes, we should have those changes as part of the consultation process.

This bill does ban union and corporate donations. We've all been very supportive of that. It does reduce the contribution limits which, of course, we've been very supportive of. Unfortunately, it does not address raising the bar on conflict-of-interest guidelines, nor does it address government advertising. But right now the major shift, where we have no research and no evidence to support this, we have no precedent to actually look to, to see how a full ban on all fundraising for all MPPs and potentially their staff as well and people within their political circles—we don't even know what we would be debating on that because the government has not shared that with us. More importantly, they haven't shared it with the public.

I feel very strongly that when the government says that we're delaying the process, we just want this to be an open and transparent process. We just want the information that the government has said is going to substantively change Bill 2.

I think it's fairly unprecedented, actually, that a committee would do public consultations on a bill that the government has already announced is going to be substantively changed. This is not the bill that we're going to be debating at third reading. This bill is going to be very much changed.

The government has put out a press release and has said, "We want to work collaboratively and openly with the opposition parties." In order for that to actually ring true, we need to know what those changes are. I really feel that this is not something that should be too onerous for the government to share with us because they have been bragging about these changes. We, I think, are due a certain level of respect that we see those changes, and not just in a briefing.

The briefing that has been promised by the government, while we are appreciative of the gesture—it needs to be an open process. It needs to be a public process.

I wanted to get that on the public record, that, of course, we want to do more consultation because you're essentially talking about moving to a publicly funded political system. That's substantively different than what is currently in Bill 2.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: I want to use Mr. Baker's own words here. He said the government wants to hear from

the public about these amendments. Of course, the public can't comment on those amendments, and the government can't hear about the amendments, because we don't know what the language of those amendments is. If the government is sincere about wanting to hear the public's interest and evaluation of these amendments, of course it would be incumbent and obligatory of the government to table those amendments so that we can speak with some knowledge.

I want to hear about these amendments as well. I want to be able to engage with the deputants, whoever comes here, what their concerns or interests are on these amendments. But, of course, I'll be prevented from engaging in that discussion with them if we don't have the language of the amendments prior. So, to that end, Chair, I would like to move an amendment to this motion: That the committee agree that it shall postpone any discussion or decision on the organizational motion until such time as the Attorney General makes available the precise language of the proposed amendments indicated during his debate on Bill 2 from September 21, 2016.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. Do you have copies available for everyone?

Mr. Randy Hillier: No, I just have the single copy.

The Chair (Mr. Grant Crack): So if it would be permissible to take another three to five minutes for the Clerk's office to make copies available for all members, a little recess.

The committee recessed from 1416 to 1423.

The Chair (Mr. Grant Crack): Okay, back to order. I'll just ask Mr. Hillier to reread into the record.

Mr. Randy Hillier: I move to amend the motion by adding the following:

"The committee agrees that it shall postpone any discussions or decisions on the organizational motion until such time that the Attorney General makes available the precise language of his amendments indicated during debate on Bill 2 from September 21, 2016."

The Chair (Mr. Grant Crack): Reviewing the content of this, I am going to rule it out of order insofar as what you're proposing is something that, yes, has been discussed and mentioned in the House, but we as a legislative committee are required to follow the rules of the House, the standing orders of the committee. As such, I would rule that it is hypothetical at this point to have the committee ask for something that has not been actually presented yet to the House and/or to the committee. This committee does have the authority to set in committee how to move forward but not to set hard deadlines that are actually the requirement of the House.

The ruling has been made, so there will be no further discussion on that. We'll move to the next—

Mr. Randy Hillier: I'd like to move an amendment.

The Chair (Mr. Grant Crack): Okay, so there's another amendment. Now, Ms. Fife, would you want to comment before, because I know—but if it's about my ruling, the ruling is going to stand.

Ms. Catherine Fife: It's about your ruling.

The Chair (Mr. Grant Crack): Okay, thank you. Mr. Hillier.

Mr. Randy Hillier: Mr. Speaker, as you are aware and as conveyed by Mr. Baker, the government has committed to providing a technical briefing on these proposed amendments. Again, this is not suggesting any hard deadlines here. Actually, the government's motion is setting deadlines, and that's what is at issue. We have deadlines being set by the government—or being requested by the government—without the government even providing what they've said they were going to do. So I would amend this motion—

The Chair (Mr. Grant Crack): Could you say "I move"?

Mr. Randy Hillier: I move to amend this motion by adding the following:

"All dates be shifted one week in order that the technical briefing can be completed prior to our deputations."

The Chair (Mr. Grant Crack): Okay, thank you. Now can we have a three- to five-minute break in order to have the Clerk's office provide all members with a copy of that amendment to the motion? Thank you. Recess for three to five minutes.

The committee recessed from 1427 to 1441.

The Chair (Mr. Grant Crack): Back to order. Previous to the recess, Mr. Hillier had proposed an amendment. As such, it has now been clarified, and I would just ask Mr. Hillier to move it back in to the record.

Mr. Randy Hillier: I move that the motion be amended as follows:

In paragraph 1, "October 31" be struck out and be replaced by "November 14," and "November 2" be struck out and be replaced by "November 16";

In paragraph 5, "November 2" be struck out and replaced by "November 16";

In paragraph 6, "November 9" be struck out and replaced by "November 23"; and

In paragraph 7, "November 14" be struck out and replaced by "November 28," and "November 16" be struck out and replaced by "November 30".

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Back again, as I mentioned earlier, Mr. Baker said that the government wants to hear from the public on these amendments. This would provide time for the government to provide the technical briefing that Mr. Baker confirmed to the committee that was being offered to the opposition parties. I don't think anybody would see this in any other light.

For us to have full, thoughtful and intelligent conversation about a bill, we need to know the entirety of the bill. And this is a very unique situation in and of itself. In my nine years here, I have never once seen the government, during leadoff debate at second reading, telegraph to the public, telegraph to the members in the House, that they're going to amend the bill. That's a very, very unique situation.

We also saw it during first reading hearings on this committee, where the member for Northumberland, Mr. Rinaldi, first identified that the bill was going to be changed in a transformative way.

Chair, I want to make sure that people are aware that the adjectives that I'm using are not my adjectives. These are the government's words.

On November 21, the government is prepared to take yet another extraordinary step. We plan to be the first jurisdiction in Canada to bar political candidates and MPPs outright from attending political fundraising events. I'll ask members of this committee: What does that actually mean? We've heard different views offered up in committee. The words from the minister say "banning outright from attending political fundraising events." We heard other members—I believe the parliamentary secretary who's here today, Mr. Berardinetti—use slightly different language. I know the member from Kingston and the Islands used slightly different language: not that we would be banned outright but there would be some level of constraint, restrictions or limitations applied.

But without seeing the language, we're at a very significant disadvantage. I would say, Chair, that these comments and these nuanced differences of language are prejudicial to the work of this committee. How can we actually engage in that conversation with deputants if some of us are of the understanding that it's an outright and complete ban or if others are thinking it's some other level of restriction?

I heard from another member during the debate that you could attend, but there wouldn't be any expectation on behalf of the public that they would have to commit money. These things are all important elements for us to fully understand. We're being asked to give our blessing, first off to examine the bill and then to cast a ballot, cast our vote on whether we're in favour of it or not, but if we all have different understandings or if there are various understandings of what these amendments are, how can we possibly provide our constituents with an informed choice?

I see this, like I said at the beginning, as very unique. I've never seen this done in nine years here. I'll just put this forward: This bill, although it's not the law now, if and when it gets passed, will be the law. We ought to understand fully what our roles and responsibilities will be, not have some vague understanding that maybe we can, maybe we can't, and under what circumstances we cannot attend fundraisers. Amending bills without debate just frustrates the whole essence and purpose of Parliament, in my view.

The amendment put forward at least provides us with an opportunity for the government to clarify just whose words we're going to use. Are we going to use the minister's words, are we going to use the parliamentary secretary's words, are we going to use the words from the member from Kingston and the Islands or whoever's words we are going to base our discussions on?

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Ms. Fife.

Ms. Catherine Fife: I support the direction of the conversation and obviously would welcome the additional time so that we could have a technical briefing on these amendments, but as I've already stated, we really believe very strongly that those amendments should be made public so that they can be part of the discourse and the debate and the public hearings on Bill 2.

I can only comment on the premise of turning down the last motion, and perhaps this motion as well, although I hope not, that we're calling these amendments hypothetical, when there is a fairly strong record in Hansard by the Attorney General, who introduced this language around Bill 2 and the idea that amendments would be forthcoming which would substantively change Bill 2. That was by the Attorney General in the House.

1450

I'd also like to read into the record the media release that came out on September 13, 2016. Of course, this bill had to be reintroduced because the government prorogued Parliament. It was reintroduced earlier in September, on September 13 to be specific, and in that press release the government says: "Later this fall, Ontario will also propose a further amendment to ban MPPs, candidates, party leaders, nomination contestants and leadership contestants from attending political fundraising events. In addition to these legislative measures, the government has committed to working with opposition party members to develop a code of conduct that would set out fair, balanced rules for all elected officials." In this press release, it doesn't actually mention the role that staff would play in this new culture of election finance.

It goes on to say that Bill 2 is going to promote "greater transparency in political fundraising events by requiring political parties to post event details to their public websites, including information such as the fees charged to attendees." Yet we don't really even know the basis for what those political fundraising events would look like, what the rules of engagement are, how the law will guide us as elected officials in that regard.

I think it's confusing for a lot of people because, as I've said, the government has boasted, if you will, or certainly held up the bar in a very high way, that this piece of legislation—and, specifically, these amendments—will fundamentally change Bill 2. Even last week, the government did have an opportunity to bring forward the amendments, because last week the government introduced other legislative measures. These measures included changing the date of the next election—which is important—changing the fixed election date from fall to spring, allowing provisional registration for 16- and 17-year-olds, and integrating, simplifying and modernizing a range of election processes with the Chief Electoral Officer.

So last week, the government did something that was what they said they were going to do. They said that they were going to bring forward these changes, and yet they purposely and intentionally did not include the amendments to Bill 2, which they have been talking about. When Mr. Naqvi, the Attorney General and government

House leader, said, "We're changing the way politics is done in Ontario," this would be an opportunity to truly be collaborative with us as opposition members.

He goes on to say in that same press release from September 13: "Through dialogue and collaboration with stakeholders, experts, the public and our colleagues of all political stripes, these transformative measures will—if passed—not only build Ontarians' confidence in the electoral process, but will make our province's election financing system among the strongest and most transparent in Canada."

Those are great words. That's a great sentiment. We look forward to that. But you can understand our frustration and our lack of confidence in this process, because we don't have those amendments that would actually realize this change. You can talk about dialogue and collaboration, but actions speak louder than words on a page.

So I would welcome this amendment and I think the government should receive this amendment positively, which, at the very least, would give us the opportunity to attend the financial briefings, and then, for the government, give the government the chance to do the right thing and put those amendments out into the public domain, so that when we conduct the public hearings, it can be a process that has some integrity to it, that we can actually hear how Ontarians feel about MPPs not holding fundraisers.

We can also debate a bigger issue: What will the role of staff be in that new culture of election finance? Because we have some serious concerns. If I, as an MPP, can no longer hold those fundraisers, the spaghetti dinners and what have you—every description has been used in these fundraising events—that will fundamentally change the role of our political staffers as the frontline people to the politics of this place. That's fundamentally, from an ethical and from a moral perspective, and from a perspective that actually honours the commitment of these words in this press release from just over a month ago from the Attorney General and from the Premier of this province—she also comments on how important this process matters.

For me, fundamentally, allowing for additional time is at least the smallest measure that you can provide opposition members in the interest of openness, transparency, dialogue and collaboration.

The Chair (Mr. Grant Crack): Thank you, Mr. McDonell?

Mr. Jim McDonell: Thank you, Speaker. It's interesting that we're actually at this point in the debate. The government has talked about their desire to be open and transparent, making such a monumental change in election financing and the desire to get out and talk to the people of Ontario about these changes, but they don't let the people of Ontario, or ourselves, see the changes that they're asking people to comment on. They don't seem to go together.

I think it's important that when we're asking for expert advice—because, really, that's the way the system

works. Bills are put forth. We ask for expert advice right across the province and internationally, sometimes. I'm hoping we'll get the expertise from other provinces. That this province is saying that they're going to even go beyond what they're doing gives us a chance to find out just how it's working in different jurisdictions. But it's very tough when you're not allowed to see the entire bill, especially such major parts as they are talking about.

They talk about a code of conduct, and I know that the minister's staff got caught—fee-for-access, we see large projects going on, large donations. That's not right. That's not the way government is supposed to operate. It's not the way democracies are supposed to operate. But it's something that we've seen. Even if it's not operating, you need to clarify in the public's mind that we're putting in a process that's actually going to work and that people should have some confidence in. But we're not seeing that through this process.

Maybe you might get a little credit here and say it might have gotten forgotten, or it might have been some mix-up. But, to be honest, I think, as the opposition is rightly pointing out, it's time to sit back. I'd be a little concerned just about a briefing. If we're going to ask people to comment, they need to see the language of the amendments. I'm not sure, when this bill was reintroduced, that this was a once-a-term type of occurrence here. The bill was actually withdrawn, you might say, or dissolved when the House was prorogued.

When they reintroduced the bill, they made some changes, but they didn't make the changes that they had promised some time before the House was even prorogued. There was a great opportunity to do that and it would have taken away these issues. So one must wonder, when the opportunity was there to do it through legislation in the bill, and especially since I believe some of the previous amendments were incorporated—it's almost like they're hiding something or they don't want public comment.

As I say, we talk about things like a supposed code of conduct. There was a commitment that ministers would not be attending expensive fundraisers. I mean, I'm not talking about—we had a great fundraiser a few weeks ago where it was \$40 for a turkey dinner. That's not what we're talking about; we're talking about the \$5,000 and \$10,000 tickets. Then we find out that the minister actually has one planned. It's not advertised, of course, until after it got brought up. That's directly in contravention with what the Premier promised.

1500

We see now this code of conduct is applied to staff, senior ministers' staff. We also heard that the Premier's chief of staff was attending a \$10,000- or \$15,000-a-seat fundraiser. I don't know if it's quite the spirit of the law that the minister wasn't there, but arguably the person who has a direct ear to the Premier—her chief of staff and senior and deputy ministers are at these fundraising dinners. What's the purpose? What are people paying for unless there's some value added to that?

That's really a worry because that leads people to think that everything will be forthright, and then you find

out that maybe there's an issue being set up with a bit of a loophole that allows this to happen. I don't think that's really the will or the desire of the public. I think they'd be rightly quite upset by that.

We need to know that through these amendments, are they excluded? How can we get proper consultation when people are coming in and all we have is what we've heard through a press release some time ago that everything's going to be done and you're going to be proud of this? It'll be leading the country in what it's trying to do. But what's it leading them in? Is it leading them backwards? Is it leading them forwards? It's hard to tell when you don't know what the amendments are.

This is very important. We're going to very different financial fundraising for parties. It's unfortunate, because I think you've got all-party support, but it's hard to get all-party support on parts that you don't allow two of the parties to see. That's where we're at. I think that's why we're upset.

I get comments every day in my riding asking how you can put up with what's going on up here with some of the actions we see. It's just a continuation of what we see with this government. They talk about transparency, but it's a frosted window because you can't see through. Maybe the writing is on the other side of the window, but we can't look in. It might as well be a brick wall we're looking through because we can't see the wording.

My own self, I don't know why it's being held back. I like to trust people and trust what they're telling us, but then you see something like this where you're not allowed to see what the changes are. It's almost embarrassing to go out in public and ask people that I know or that I come across that I may think are an expert and ask them to come in and give some testimony, but I can't tell them what we're actually asking them to comment on because they're not allowed to see it.

It's like that cone of silence. I saw something last week with Maxwell Smart and the cone of silence, where you get into it and nobody can hear anything. That's very similar to this. It's something that nobody can see, but you're asked to make a comment on. I'm not insinuating that this government is bungling like Maxwell Smart, because I think these things are very deliberate. I don't think it's bungling at all.

Mr. Randy Hillier: More like the Chief, not Maxwell Smart.

Mr. Jim McDonell: Yes, more like the Chief. We're a little more like the Chief, a little more in disbelief that this is actually going on.

Anyway, I think the public is starting to feel that they're in a cone of silence, and it's only through freedom of information and mistakes made by inappropriate words of a minister that they actually get insight into maybe what's actually happening—similar to the 10-cent saving we're going to get in hydro.

I think it's appropriate. I think I want to see more than a briefing if I'm on this committee. I need to see what the words are. For the life of me, I don't know why—they've had a great opportunity. Normally in bills, you don't

have—the bill was taken down, re-input, changes were made to it, but the big change they talked about weeks before the bill was reintroduced is not in it.

What are you trying to do? I give the government a lot of credit. I think they're not stupid. Everything they do is well thought out. I don't know what they're thinking or what they're trying to pull here, because they are trying to do something that's unprecedented in this province. They're asking people to comment on something they can't see. I know this will come out later on, I'm sure, but by that time, our expert testimony will have come and gone. Trying to get them back now to comment—why would you bother if that's the respect that they're giving the public in this province?

The Chair (Mr. Grant Crack): Thank you very much. Mr. Baker?

Mr. Yvan Baker: I'd like to move that the question now be put on this amendment.

The Chair (Mr. Grant Crack): However, I believe there is still room for further discussion on it. I would remind members: Let's stay focused on the timeline.

We'll go to Mr. Hillier and then Mr. Vanthof.

Mr. Randy Hillier: Focusing on this amendment, but without understanding the context—I sat all summer with this committee at first reading. It was a good set of hearings, good engagement and good bipartisanship. Everybody worked well. I think the work of the committee at first reading was exceptional—until those last few moments of the committee, I might add. But otherwise, it was substantial.

I'd like to know from the members of the government if you know something that we don't know. Do you know if this code-of-conduct amendment will be tabled? Because we have heard that this is also a proposed amendment. We've also heard that the per-vote subsidy to parties, which is included in the bill, will be expanded to include per-vote subsidies to local riding associations. And then we've had that confusion on the ban on fundraising. Maybe Mr. Baker would be able to expand. Do you know what amendments are going to be provided to this committee?

I will just put this out for the committee to consider: How can we know who to invite to give the committee evidence if we don't know what the amendments are? I'll just give a couple of brief examples. If there is a code-of-conduct amendment, should we not include the Integrity Commissioner as a separate, stand-alone deputation to this committee? I would hope that this committee would see value in inviting the Integrity Commissioner here for probably an extended deputation if there is indeed an amendment regarding the code of conduct of members. To do otherwise would be dismissive not only to the Integrity Commissioner; it would be dismissive, obviously, to all members of this committee and of the House.

It's the same with the per-vote subsidy. We had some excellent, thoughtful, knowledgeable people make representations at first reading, people like the Chief Electoral Officer, the Integrity Commissioner and the Auditor

General. We don't know what their comments would be on this code of conduct, on this ban on fundraising, or on expanding the per-vote subsidy. Are we not doing a disservice to those independent members of Parliament as well as, really, being dismissive of the work that they've already done for us?

By asking them to come in and spend all summer, like the Chief Electoral Officer did—Greg Essensa or his deputy attended all meetings to hear what people were saying. We gave them a significant amount of time for a wrap-up to give recommendations. None of these proposed amendments that we're hearing about were recommendations by the Chief Electoral Officer or by the Integrity Commissioner or by the Auditor General. These are all new, so I do hope that somebody from the Liberal side will either confirm or deny or let this committee know what they know of these amendments. Do they know which ones are going to come forward? Have they seen the draft language of it? Maybe that's why they seem to be so willing to abrogate their duties, because they know what the amendments are. But members on the opposition side don't know what they are.

1510

I haven't seen much response yet. It looks like we may be entering into a sequel of the Silence of the Lambs with the Silence of the Libs today on Bill 2. The only thing that I've heard so far in discussion on this amendment has been Mr. Baker's request to not have any further discussion on it. That's the only discussion that any Liberal member of this committee has come up with so far on either one of the amendments: to not have any more discussion. Is that really serving your constituents well, when you have nothing to offer or nothing to say other than, "We don't want to hear any more from the opposition"? I'm sure your constituents are expecting more of all of you than that.

Once again, I have that question out, and I'd like to have the designated member or any member from the Liberal side say: Should we be having a constitutional expert brought in on this ban on fundraising? That's what we've heard: that this outright ban would probably be unconstitutional. Should we have the Integrity Commissioner come in here to vet or give us his opinion on this code of conduct? Should we have the Auditor General in here regarding this per-vote subsidy, or should we have the Chief Electoral Officer?

Who knows? Are there any other amendments that are up the sleeves of the minister and the members of this committee that we're unaware of?

The Chair (Mr. Grant Crack): Mr. Vanthof.

Mr. John Vanthof: Thank you, Chair, for allowing me this opportunity to speak.

I must say, I was a bit surprised and incredibly concerned when I was informed of this motion to pick the dates for the public hearings, particularly because, as interim House leader, this issue came up at the House leaders' meeting last Thursday, where we were promised to have ample opportunity to be able to look at the amendments before we had a full public discourse on them.

The government House leader is also the Attorney General. I have the utmost respect for him and I would take him at his word that we would have the opportunity to do our due diligence as opposition to actually look at these amendments, to actually look at who we should call to these hearings, and have time to do that. It doesn't even look like, with the government's proposal, this is actually going to occur. That's why we're in favour of this motion.

It's a very unconventional course that this has taken, just to put this in context. This bill was introduced, and there were hearings held on first reading, which is unconventional. A lot of work was put into these hearings.

What was also very unconventional was that a press release was dropped in the middle of these hearings saying, "These are the wonderful things that the government is going to do." But then, when the bill was introduced in second reading, these wonderful things that the government was going to do weren't included in the bill.

To his credit, Mr. Hillier brought this up in the Legislature on a point of order, which we supported, that was defeated on a technicality, in our opinion. But the origin, or why he put that forward and why we supported it, is because it was stated that these amendments were coming, and they didn't come.

Then, subsequent to that, another bill along the same lines was introduced just last week not regarding election financing but certain issues around the election. Actually, there is a part in that bill talking about creating new ridings. So it was totally election-based, yet these amendments that were promised—and I heard today that they might be hypothetical; well, they were mentioned many times in Hansard and they're mentioned in this press release—are nowhere to be seen. So we're here to pick dates for hearings on a bill that could be substantially changed with amendments we've never seen. Really? Does that make sense for due diligence of the government? Certainly, it doesn't make sense for due diligence of the opposition or the third party because the government is not allowing us to do our job.

If the government votes this down, I'm extremely disappointed that the assurance given to us by the government House leader doesn't appear to be followed, because with the dates that the government has submitted, we are a week away, less than a week if you take today out, and I don't think anyone is going to say, "Oh, well, six days, sir, is lots of time." It may be six days, because we haven't seen anything on these groundbreaking amendments we're going to make to change our whole democratic system. I don't think six days is enough time to justify that to the public, certainly if we have to bring forward experts to talk about these amendments.

I'm a farmer. I don't pretend to be a constitutional expert or an election expert or anything. I'm a bit of an expert on common sense, and this one doesn't make common sense. So if we see these amendments and we decide, "Yes, we're going to need expert A," can we get expert A in three days? I don't think so. Quite frankly, I

don't understand what the government is trying to do. If you want to be open and transparent and you want to make groundbreaking legislation, by God, produce it.

We support this motion; we support the motion to extend these dates and perhaps give us a chance. But again, I'd like to close by saying that I'm extremely concerned that what we discuss in House leaders' meetings doesn't seem to translate into this committee, because one week or six days is certainly not enough time. I'm going to say this again: We don't know if it will be six days. It might be tomorrow, it might be the day after. We might get it on Friday for hearings on Monday, for all we know.

Right now, after having to sit here and say this, I can honestly say the trust factor isn't feeling really good right now. Perhaps we are wasting our time with House leaders' meetings. I don't know. But to me, that's where we set the rules of engagement, and certainly the rules of engagement have changed since last Thursday, and I'd like to put on the record that I'm very disappointed with that.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier.

Mr. Randy Hillier: I see that there's still no response coming from the Liberal members other than smirks and grins. Maybe they think this is funny or entertaining, that our comments and reasons are not being engaged with.

Again, I don't know why Bill 2 wasn't modified with these amendments. We've got no response back yet from my questions if the government members even know what these amendments are. We don't know which ones are coming or which ones are not coming. Again, it's mute from the other side.

1520

I want to put this on the record and maybe ask the Clerk of the Committee to respond to some statements that I'm going to make. This centres on—and I know it's a tough position. Hopefully, it will not be an unfair position. I'll try not to be unfair with the Clerk, but just for procedural matters—

The Chair (Mr. Grant Crack): Mr. Hillier, how about addressing the Chair and then we'll determine the next process?

Mr. Randy Hillier: Okay. I didn't mean to—anyway, Chair, we have long-standing procedures and principles and conventions on committee work and the introduction of amendments, etc. We have our standing orders, and part of the standing orders and part of the conventions are that amendments to a bill at second reading must be limited to the scope of the bill that's in front of the committee. We heard this from many other people during the first reading hearings on the previous Bill 201, I believe it was. It was stated quite clearly at first reading that we could entertain a much broader and wider latitude of amendments at first reading than we could at second reading. At second reading, the amendments do have to be within the scope of the bill in front of the committee.

Chair, if I could ask, through you to the Clerk, and if the Clerk would be willing or able to comment on this:

Would a ban on MPP attendance at fundraisers fall within the scope of the present Bill 2 or would it be outside the scope? In my reading of Bill 2, there is no mention of fundraising events or attendance by MPPs. It's focused on the contribution limits, not the attendance at fundraising events. Actually, I'm pretty confident in saying that there is no reference whatsoever to fundraising at events.

Second, if a code-of-conduct amendment was introduced during clause-by-clause, would that fall inside or outside the scope of Bill 2? My review of Bill 2 doesn't indicate to me that there's a reference to conduct by members. Once again, just from what you've heard, because we don't have precise language and maybe you want to qualify this, would it be in the scope, out of scope or possibly—and of course, the other one was the amendment on the per-vote subsidy possibly being provided to local riding associations, local campaigns, and not just to the recognized parties.

From your understanding of that language and your understanding of Bill 2, would you see those amendments possibly being outside the scope of this bill, or inside?

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier, for your questions. I will try to address them for you. In the event that I don't cover the content, I will defer to the Clerk.

Mr. Randy Hillier: Sure.

The Chair (Mr. Grant Crack): What you're asking are a number of issues that have been raised in the House and through press releases, as has been mentioned. Again, at this particular point we are not aware of any of the wording of any proposed amendments that would be coming forward because they have not been tabled through proper process here at committee. As such, I would have to take a look at them as they come forward, as I would any other particular amendment coming forward, to see if it's within the scope of the bill.

So to answer your question, the code of conduct, the per-vote subsidy and the other issues that you had dealt with: I can only rule on those once we see the actual wording and compare it with what's in the bill today.

Does the Clerk want to add anything on that?

The Clerk of the Committee (Ms. Sylwia Przezdziecki): The Chair rules on scope. The Chair cannot rule on hypothetical issues. Once he sees the wording of the amendments, sees where in the bill it's proposed to what sections and so on, then he can take all that into account and make a ruling.

Mr. Randy Hillier: Thank you, Chair. Thank you, Clerk. I agree with you. We would be putting you into an unfair position to ask you to make a decision and a ruling on a hypothetical.

The Chair (Mr. Grant Crack): I can't comment on the specifics, except on the answer that I gave, confirmed by the Clerk, that we need to see amendments through normal due process here at committee prior to me—or any other Chair on any other committee—making a determination as to the scope.

Mr. Randy Hillier: I agree. It's a good process. It's a good rule. I would like to have the same rule applied to this committee: that we not be asked to make a ruling or a decision on something that is hypothetical and unknown.

I'll use this, Chair, for the committee's benefit. It's on page 728 of the House of Commons Procedures and Practice book by O'Brien and Bosc: "Since Confederation, the Chair has held that the introduction of bills that contain blank passages or that are in an imperfect shape is clearly contrary to the standing orders." A bill is in imperfect shape if it has not been completed.

We've been told by the minister during debate that the bill is incomplete, that he has amendments to this bill. We can reread them through here, and maybe I'll have to. On September 21, the minister said that they would be introducing transformative and substantive changes to the bill. So the bill is incomplete.

Again, back on page 728: "In the past, the Speaker has directed that the order for second reading of certain bills be discharged, when it was discovered that they were not in their final form and were therefore not ready to be introduced."

This bill has been introduced. But clearly the message here is, just as it is unfair to ask the Chair to make a ruling on what's in scope or out of scope without having the wording, it's unfair to this committee and contrary to parliamentary procedures to examine a bill that is incomplete. It's unfair to us.

On page 742: "Adoption of the motion for second reading amounts to approval by the House of the principle of the bill. This effectively limits the scope of any amendments that may be made during committee study and at report stage."

That's a clear direction; that's a clear understanding. But here we are. Again, that reference on page 742 puts an obligation on the government to deliver the complete bill at second reading, to deliver the complete bill to the committee. There's an obligation here, but the government has failed to meet that obligation.

1530

All of this discussion could be completely moot, and would be moot if any member on the government side made a commitment to opposition members that the language of the amendments would be known and that we would have time to examine them.

Interjection.

Mr. Randy Hillier: I'll say it to you, Chair, just for every member's benefit: I would certainly be more than willing to expedite schedules or to be flexible in our schedules if we knew what the hell we were doing with these amendments.

I'll encourage Mr. Baker or the parliamentary assistant to the Attorney General or anybody else—any of the other three Liberal members on this committee—to respond to my request: Do you know what the amendments are, yes or no? Will you share them with us? And, with the knowledge that you have about what these amendments are, should we be bringing in and allowing greater

time for independent officers of Parliament to make deputations? Or should this committee report back to the House that this bill is not in order and ought not to be examined?

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. I want to remind Mr. Hillier and members of the committee that we are here to deal with a bill that has gone through second reading in the House through the normal legislative process. That's what we're here to discuss: how we're going to move forward.

We have a motion put forward by Mr. Hillier, which is an amendment to the original motion put forward by Mr. Baker. That's what we're dealing with. I'm going to remind members now, as Chair, that we're going to start focusing and we're going to get moving forward on this. I'm going to be recommending that we start talking about the amendment and how we can move the bill forward as referred to us by the House.

Mr. McDonell?

Mr. Jim McDonell: Thank you, Speaker. I guess—

The Chair (Mr. Grant Crack): Excuse me, that's about the fourth time that people have called me "Speaker." I really, really am privileged—

Mr. Jim McDonell: Do you want the pay increase with it?

The Chair (Mr. Grant Crack): —however, "Chair" would be fine. Thank you very much.

Mr. Jim McDonell: Thank you, Chair.

Mr. Randy Hillier: You've just been doing such an admirable job, Mr. Chair, that we want to elevate you.

Mr. Jim McDonell: We could give you that apartment upstairs.

Listening to the comments made by the two parties on this side, I think it would be important to ask the two independent officers to come before the committee. But I'm a bit embarrassed: Generally, when you ask somebody to speak on a point or a topic, you're able to tell them what you actually want them to comment on. In this case here, we can't. I think that shows a large hole in what we're trying to do.

As well, to the same point, you're asking us to make comments on something that we can't see—asking us to go out to the public, asking experts to come in. I'd like to think that the Legislature in Ontario is considered of the highest quality and the highest integrity, but it seems somewhat ridiculous to go out and be looking for witnesses on something you don't know about. It doesn't show a lot of credibility. It doesn't show a lot of smarts. Coming from a rural background, we have ways of describing such a thing that I probably shouldn't be repeating up here.

It's not the way people do things forthright. It's not the way people expect to get business done. It's not the way things are done in this country. Ontario seems to be taking a different slant on its direction over the last number of years. I think it's dangerous. It has caused a lot of problems. Now we're talking about a monumental shift in the way we vote and in the way we finance. Yet we can't see what that is.

I sat in on a few meetings—one, actually, during the summer session. I saw with great interest the people who came before this committee, because there is a real interest. When you change or shift the way people conduct the democratic process, not only are people interested but they should be interested because you're talking about a system that has made this country great, the envy of the world for most people. I think it's one of the most desired countries in the world to live in.

When you make a shift like that that can alter our future, people are somewhat concerned. I think it behooves this government to make sure that when they brag about these monumental changes, they actually include the people into knowing what they might be before it's too late to make the change.

They're introduced at the last moment in an amendment. I know that in our great process, they have the majority of the committee and they can put that through, but is that really the way we change our democratic process: by introducing amendments at the last minute so that you can ram it through when there's really very little—I shouldn't say "very little"; there's zero comment on it.

We're hearing that there may be a briefing. We never heard any talk about actually seeing the amendments. As I mentioned before, people ask me, when I get home, how you can trust somebody who never seems to give you all the truth. So you're going to go into this thing. You're going to say, "We don't want to show you the amendments, but here's a briefing of what we think you should know." Most times in a briefing, you're allowed to ask questions, but it's hard to ask questions on something you haven't got in front of you. That's really the situation you're putting us in.

If you step back at the 100-foot level and listen to discussion, you really wonder, "What is the government really asking here? What is their purpose? Are they really looking after the interest of the province or are they looking after the"—I can't think that it's the interest of the party, but what are they getting at?

It's got this committee in a real turmoil, because we're trying to provide legislation that makes sense and that looks after the needs of this province. We don't know where to go because we don't know what we're talking about because there's nothing in front of us. As crazy as it sounds, it's the second time it has happened on the same bill, which is unique in itself.

Normally, once bills are started they go right through until they're passed. In this case here, it was disrupted by the proroguing of the House, which allowed for a speech from the throne and a supposed change in direction. That really has nothing to do with this. The bill was reintroduced. It wasn't reintroduced as its former self; it was reintroduced with amendments that were made during the last session before it changed. There was a real opportunity to include—because there was an argument that time, I believe, that the amendments weren't appropriate because they didn't follow the scope of the bill.

I would think the government might have heard that message. Instead of fighting that argument, just include

them in the bill. It doesn't happen often, where a bill is being reintroduced, that if you've made the changes—it wasn't like there was a desire not to save money on paper or something and not reintroduce the same bill. They did make the changes, but they didn't introduce the changes that were so important.

The press releases and news articles went on about how they're going to change the bill, but they didn't include what they were changing it to. I'm sure people hear this argument on TV or wherever they're watching, or in Hansard if they're so inclined to read those types of things, and they really wonder what the government is thinking here.

1540

You have landmark legislation. You stand up, you pound your chest that you're coming through and making some big changes here, then you hold the changes back and don't tell us what they are. It seems to be beyond logic. That's why you're seeing the reaction of the opposition, and I think it's a fair reaction.

We're talking about what happens if the legislation is hypothetical and we don't know how that will—but why is it hypothetical? Why are we not seeing it? The government can't tell us that. They want to push this through. I know they're calling for a vote to get it through. Because they have a majority, they can do that, but it's not in the spirit of co-operation.

We heard from the NDP House leader, just as recently as the last sessional day, promises made at House committee, but it's not being carried through. That's another convention in our Parliament, where the House leaders get together and talk. They don't always agree with the direction of the government. That's the prerogative of the government. But at least when they give them their walking papers of where they're going and what the direction is, there's some confidence that there's at least some straightforward dialogue, but we're not even seeing that. We're seeing something said that maybe keeps us quiet over the weekend and then, Monday, it's changed, what we would put in practice.

It's not very reassuring, and it shouldn't reassure, to the public. People ask me at home, and I say the part that really bothers me about the Legislature is that you can't get to the truth. You can only go so far with freedom of information. With a minority government, we certainly had some abilities, but I sat on committees where the government would filibuster for hours so we couldn't ask a simple question. The public, I think, is somewhat upset when they hear that you can't even ask a direct question of the government with some fairly serious implications and can't get an answer. That's what we're seeing today. I know they can't erase these things—

Mr. Randy Hillier: You can't even get a response.

Mr. Jim McDonnell: They haven't even put it on paper, so we can't expect them to be deleted, but it doesn't really fall in line with transparency. Next to the good mornings or hello, "transparency" is said most often by this government, but it's anything but. I would hope that the members opposite would take this message back

to cabinet and their leader, that it's getting hard to run a government when nobody's allowed to know what's going on. We're seeing the impacts.

Again, we're no longer first place in this country. When you're sitting here and one province has a third of the population, it really hurts when the rest of the country starts to have to support it. It demands questions and it demands answers, and we're not getting either here. We're not even getting the information to be able to ask an intelligent question.

I know I'm just at a lack here—I would think that, really, a committee like this should recess until we see what the bill is. How do you expect to sit down and talk intelligently about something you can't see? I haven't seen anything here or any member here who's been able to tell us what's in these amendments to a close enough degree that we could actually comment on them or ask people to come in and comment on them. We don't actually hear that these amendments will be put out until after we receive the comments.

We had extensive consultation this summer. I don't know how many cities you went to, probably a lot. We went through a large number of amendments, and then the last day there was a new amendment dropped on the table that nobody's even talked about. But that's what we're seeing. As crazy as the whole process seemed at the time, we're setting things up for it to happen again. I would have hoped that the government might have learned its lesson that this is not contrarian. I've been here for just five years now, but as crazy as we've seen some of the legislation coming through here, it has always been put in front of us so we can comment on it. I guess maybe that hasn't been working because now we're trying a different tack where we're going to see legislation where not only is something dropped in at the end, but they brag about it before, these changes. It's hard to explain and hard to go back to people and say that you're really doing your job up here.

Anyway, I thank you for the opportunity to speak about this, but I really believe that we need to move ahead. I think this amendment here gives the government some time to make these changes. There are some good dates in here, dependent on the fact that they actually allow us to be briefed and see what they're talking about. It gives us enough time to get back and look for possibly the Integrity Commissioner to come in and provide us with some comment on what they believe might be changed or whether maybe they agree with these amendments wholeheartedly, or other experts esteemed across this great country of ours and maybe across the Commonwealth.

This is a very important change we're making. I think that it's under the radar now with many of the people in this country, but once it's enacted it will be a major shift that will affect people for many decades until it's all through the future. The last thing we want to see is glaring problems in this that have to be altered very quickly. When you make large changes like this, you want to see them being well thought out, well considered, well

advised and, of course, put into place so that they really enhance our democracy. I certainly agree that I don't like to see these large corporate donations. I think they're dangerous and I think everybody here seems to be of that opinion and wanting to see this change, but we aren't being forthright when we're hiding information behind our backs. It's not a way to fight a good battle if you tie one hand up, but that's really what you're doing here.

Anyway, I'm hoping that this amendment will pass and we can move ahead and do our job the way people expect us to.

The Chair (Mr. Grant Crack): Thank you, Mr. McDonell, for referring back to the amendment that's on the table; much appreciated. I didn't want to remind you or Ms. Fife—with your members' comments—that we are dealing with Bill 2 through the normal legislative process. It has been referred to this committee. I understand that there are some external issues that we're discussing here and I'm happy to entertain those, but we should be prepared, at some point in the near future, to deal with the amendment that is at hand through a vote.

Ms. Fife, I would give you the floor.

Ms. Catherine Fife: Thank you. Speaking to the amendment put forward by the PCs, this amendment obviously just looks to provide additional time for consultation. I am genuinely surprised, Chair, though, that we've not heard from the government side of the House except for a call of the question. It is our job as opposition members to ensure that this committee process does have some integrity. I share the concerns that were articulated in the letter to the Attorney General just on Friday, which states, "Without time to understand the language and the specific details of the amendments being proposed for Bill 2, it is very difficult to make and discuss appropriate organizational decisions regarding the operation of this committee."

This is really what's at stake. We are not asking for a lot here. We're asking for additional time so that the government can honour their commitment that was made at the House leaders' meeting to provide a technical briefing and to provide the amendments to Bill 2—the transformative amendments. As I stated when we met in our subcommittee, there is no point taking this bill out at this stage, not knowing what those amendments are. I would have expected the Attorney General to be supportive of a fair and functional committee process.

1550

It's an uncomfortable place for us to be as a committee. I'm sure that it's uncomfortable for you as a Chair, because you're really in uncharted territory here. We are trying to make sure that this process will actually serve the needs of the people of this province, as promised in not just the first press release that was dropped into the committee process but the second release just publicized on September 13.

We have heard nothing from the government side of the House on these substantive concerns that we have. If these amendments are not passed or accepted by the government, I'm going to be introducing an amendment

as well with additional dates. We are seriously just fighting for some time here. We need the information so that it can inform the piece of legislation, and we need time to ensure that the people are part of this process.

These are basic fundamentals of our democracy. This is not an ideological request. It is not onerous on the government. We are actually just trying to say to the government, "Please follow through on what you said you were going to do." It does leave us in not just an uncomfortable place; really, this is a direct challenge to the democratic process.

I feel bad for my colleagues. One colleague also has his back to the committee. That's how engaged the government is in this process: They even refuse to participate in the conversation and the debate. If this is a defensible course of action—to have consultation in six days on a piece of legislation when we don't even have the amendments to it—then defend it. By all means, let's get into it.

That was why we didn't have the subcommittee meeting. The government said, "We'll bring this to the public, as it should be." Let's have a very public debate on why the government thinks that six days is enough time to do a thorough public consultation, to bring the informed voices and experts to the table. Let's have this debate. At least speak to the amendment and say whether or not you're going to support it. If you're not going to support it, then speak to that. At least have the appearance of having some respect for this committee and the work that we have done throughout the summer.

If your hands are tied as members, that's one thing. I feel for you because this is painful for all of us. It really is. But if it is a defensible action on the part of the Premier and the part of the Attorney General, who have beautiful language that we all want to be a part of, then defend it.

The Chair (Mr. Grant Crack): Mr. Baker.

Mr. Yvan Baker: At the beginning of this session, I spoke on behalf of the government as to the things that we wanted to say. I think that we've had over an hour of debate on this particular amendment. I would again suggest that the question be put on this amendment.

The Chair (Mr. Grant Crack): Any further discussion? Mr. Hillier.

Mr. Randy Hillier: Yes, I'll just add that the member from Kitchener from the third party said it very well: If the government position on this is defensible, then please share with us your arguments, share with us your defence of your position or even share with us why you can't speak. If you've been muzzled, if the minister and the Premier have told you that this committee will be seal-training time for the five members, then that's fine. I'll accept that. I understand that muzzles can be placed and hands tied. In order to keep your job, you'll just do nothing and say nothing.

But to Ms. Fife's position, she said that how you're behaving is a direct challenge and a direct threat to our democracy. Surely the five of you over there understand that you're members of a parliamentary democracy, that

you have a responsibility to yourselves as well as to your constituents to be engaged. Not to be engaged is every bit a threat and a direct challenge to democracy. This is what we would expect from—this is Stalinesque; this is what despots and dictators do, just government by edict, without any engagement, without any discussion. Is that what these five Liberal members of the committee want to be known for: for despotic behaviour, for Stalinesque tactics? Or do they think that this should be viewed as the X-Files of democracy here, where it's all unknown, mysterious and suspenseful about what our laws will be?

How foolish and unbecoming not to be engaged in the discussion on a motion in front of this committee. It clearly causes all members on the Liberal side to be uncomfortable being prevented from speaking to it.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: We have been here for two hours. I wonder if we could take a 15-minute recess, maybe—just a health break.

Mr. Randy Hillier: If we're going to have a vote, I'll call for a 20-minute recess before any vote on this.

The Chair (Mr. Grant Crack): Are the members ready to vote on the amendment?

Mr. Jim McDonell: I think you want a recess.

Ms. Catherine Fife: I asked for a recess.

The Chair (Mr. Grant Crack): Right. But if the members are prepared for a vote, I could entertain that at this point. If you have further discussion, I would entertain that as well. As long as we—

Ms. Catherine Fife: Fine. Let's vote.

The Chair (Mr. Grant Crack): So are we calling the vote? Okay, I'm going to call for the vote on the amendment.

Ms. Catherine Fife: Can I please have a recorded vote?

Mr. Randy Hillier: Recorded vote, and then a 20-minute recess.

The Chair (Mr. Grant Crack): Okay, so that is in order. When we come back, we will have a recorded vote on the amendment put forward by Mr. Hillier. There will be no further discussion on the amendment. A 20-minute recess is in order.

The committee recessed from 1557 to 1617.

The Chair (Mr. Grant Crack): I'd like to call the Standing Committee on General Government back to order. I had indicated that we were prepared to vote on the amendment moved by Mr. Hillier, which was an amendment to the original motion put by Mr. Baker. There will be no further discussion as such. Also, there has been a request for a recorded vote. That shall be entertained. I shall call for the vote.

Ayes

Fife, Hillier, McDonell.

Nays

Baker, Berardinetti, Colle, Hoggarth, Malhi.

The Chair (Mr. Grant Crack): I declare the amendment to the motion moved by Mr. Hillier to be defeated, which would bring us back to the original motion. Mr. Hillier.

Mr. Randy Hillier: I'd like to move an amendment to the motion.

Mr. Grant Crack: That is in order. Are you prepared? Do you have copies?

Mr. Randy Hillier: No.

The Chair (Mr. Grant Crack): Okay. Go ahead, Mr. Hillier.

Mr. Randy Hillier: It would be under paragraph 4 of the motion in front of us: "that the Chief Electoral Officer be invited and provided two hours for deputations to the committee."

The Chair (Mr. Grant Crack): Okay. Thank you very much. We will need copies of that. Do the members of the committee want copies of that?

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): Yes, that is appropriate. So we'll take a three- to five-minute recess, approximately, in order to obtain copies for all members of the amendment proposed by Mr. Hillier.

The committee recessed from 1619 to 1626.

The Chair (Mr. Grant Crack): Back to order. I would ask Mr. Hillier to reread his amendment into the record. Mr. Hillier.

Mr. Randy Hillier: I move that the following be added to paragraph 4:

"and that the Chief Electoral Officer be invited and provided up to two hours for his presentation and questions by committee members".

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: Yes, just some clarification on that. Would that be before—that would then encompass the first day type of thing? Is that the intention of the amendment, that—

The Chair (Mr. Grant Crack): Mr. Hillier, a question has been forwarded to the Chair. Are you prepared to answer that?

Mr. Randy Hillier: Sure.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: Unlike other members, I'm always prepared to talk to and defend my reasons and provide argument for them.

We know that if the minister's words were accurate during the debate, and if he was sincere about providing these additional amendments at clause-by-clause, then we should follow suit and, in the same vein as what we did in the summer, where we exhibited non-partisan behaviour in this committee and encouraged and welcomed independent officers of the Legislature to provide expert testimony and evidence—that the same non-partisanship and the same desire to examine information be provided to the Chief Electoral Officer. I think the Chief Electoral Officer would be able to provide significant comment, significant knowledge, and provide all committee members with a much greater understanding of how this

proposed amendment—or this phantom amendment or this mysterious amendment, however we want to categorize it—may impact the bill and impact all members, impact our democracy.

Bear in mind that we also don't know yet—this amendment is predicated and premised on this view that the minister has communicated that to House leaders, as we heard Mr. Vanthof say: that he's made a commitment that these amendments would be revealed to us, even though they haven't been yet. My amendment is taking the minister at his word, in good faith, that the amendment will be revealed, and therefore this amendment coincides with that. The amendment would be revealed; we would be able to ask for the Chief Electoral Officer's examination of it. Hopefully, we'll also get his view on whether or not it would be constitutional.

It's hard for me to think of who else this committee would want to hear from on the constitutional aspect of the amendment without seeing the precise language of it. But I think the Chief Electoral Officer would be able to give us guidance on this. I'm expecting, as well, that the Liberal members of this committee would be receptive to the Chief Electoral Officer's evaluation and analysis of this amendment.

Truly, I would be very, very disappointed if this amendment was not revealed and we ended up wasting the Chief Electoral Officer's time—to invite him to the committee if the amendment was not revealed to him. He would not be able to provide us with any relevant or important analysis if the amendment was still withheld and still a mystery to us all.

I'm hedging my bets and placing a level of confidence in the government and the Attorney General to deliver on their commitment that we've heard about, that a detailed briefing and the wording will be provided to us.

Instead of meeting this amendment with absolute and total silence, maybe the Liberal members would engage in this discussion and reiterate that they as well will ensure the minister reveals the amendment ahead of time and be supportive of the Chief Electoral Officer coming in and providing his non-partisan evaluation of the amendment.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Fife?

Ms. Catherine Fife: New Democrats will be voting in favour of this amendment to the government's original motion. There are now a lot of outstanding questions, I think, that would require a significant amount of time to have this discussion with the Chief Electoral Officer.

One must wonder, what does he feel about the promise of transformative and substantive changes that have been alluded to by the government, both in Hansard and in the press release? I personally would be very interested in asking him about the code of conduct, for instance, and how effective that is versus having it as part of a piece of legislation. Is it going to be a stand-alone code of conduct? What would his recommendations be?

These are all questions that have—when the electoral officer did come to this committee throughout the sum-

mer, it was very valuable. He was able to, within his own presentation, outline some of the concerns he had around third-party advertising, around government advertising. I think the outstanding piece is still around the conflict of interest. It is very powerful for us, as members of the committee, to have an independent officer give their informed position on the proposals, the overtures, if you will, that this government has put forward.

Obviously, the Chief Electoral Officer would probably be commenting on some of the trends that we've actually seen at the provincial and even at the federal level. I'm not sure if you've had the chance to see the—the federal government was sort of held up on a high pedestal by the Chief Electoral Officer on some of the changes they have brought forward, but even this morning, in the *Globe and Mail*, there was a major story that said, "Liberals Shrug Off Their Own Ethical Guidelines with Fundraiser."

The key piece, the key problem in that model going forward—which I think we're going to have to wrestle with, as well, as a committee—is around conflict of interest. Who has oversight over conflict of interest? It's not contained in Bill 2. What will this code of conduct look like? Who will have oversight over that code of conduct? Who's going to monitor us as members of provincial Parliament? Are we going to be some kind of self-regulatory group, which to date has not really worked very well, especially when you consider the complaints that have been filed by the Integrity Commissioner, for instance?

We're very supportive of having the Chief Electoral Officer come to committee and have a significant amount of time. I think it speaks to the importance of actually trying to get it right. But we can't get it right until we have all of the information to inform the debate and the discourse on electoral finance reform in the province of Ontario. I think that I would be very interested in his presentation on the amendments—I would hope that he would have the amendments, obviously, going forward—and then we could peel away some of the questions that we have on how other jurisdictions are grappling with the way that electoral financing changes have happened and what kind of impact they've had on equity, on equality of opportunity for what the Premier called "political actors."

Let's make sure that when the Chief Electoral Officer does come—and, based on the vote from the last amendment, where we tried to buy a little bit more time, it does look like, if the government is amenable, although I can't see why you wouldn't be amenable to having an independent officer of the Legislature whose key job and key responsibility to the people of this province is to inform legislation as it relates to the proposed changes to our elections and, of course, in this instance, how political parties and how politicians finance those campaigns—why the government would not be supportive. I would be genuinely very surprised if they're not.

Once again, we have complete silence on that side. Maybe that's a good sign. Maybe there's silence because they agree with it. But it would really speed up the meeting very quickly, obviously, if they were to say whether

or not they're supportive of the amendment and then go from there. We, as New Democrats, as we were supportive of the Chief Electoral Officer playing a key role in the original development of Bill 201, which after prorogation became Bill 2, are very supportive of seeing this independent officer of the Legislature come to this place and inform the legislation going forward, with the hope that the aforementioned and often-talked-about hypothetical or not-hypothetical amendments to Bill 2 are part of that process. Otherwise, it would be a complete and utter waste of his time to speculate on amendments that we, as committee members—at least on the opposition side—have not yet seen and have not yet had an opportunity to process and have, really, a fulsome discussion at our own caucus level as well.

We will be supporting this amendment, Mr. Chair.

The Chair (Mr. Grant Crack): Mr. McDonell.

Mr. Jim McDonell: I guess my question, through you to the Liberal members on the committee: I know that this amendment is working on the goodwill that, through the briefing that we've been promised—I'm not sure when, but sometime this week, I think there was talk about maybe just a briefing in general, something similar to what we saw at the news conference, or it actually might include the amendments. I think we need, or it would be nice, I guess, or important that somebody would bring back the message that the committee believes that it's important to have these amendments at the briefing so that we can actually get some comments. I think that that's really the idea behind this: that the Chief Electoral Officer will actually have something to comment on.

1640

It is some wording that, first of all, that message will be brought back to the minister that is important, because I'm assuming these amendments are written—I think they were written back in August. I'm not sure what's behind the curtain here and why we're not seeing these, but I'm hoping the message can be brought back that the wording in those amendments is important for the committee to follow through on, in its mandate to seek expert analysis.

Through you to the committee lead on the Liberal side: Is it the intention to bring the word back, that the committee feels we need that wording of the amendments before we go back for comments?

The Chair (Mr. Grant Crack): Thank you very much.

Mr. Vanthof?

Mr. Jim McDonell: Is that—

The Chair (Mr. Grant Crack): Oh, sorry.

Mr. Jim McDonell: Just a response to that: Is that something we can ask of the Liberal members, if they could bring that back to the minister? I know they have caucus tomorrow. The opportunity is there.

The Chair (Mr. Grant Crack): You're free to ask. They're free to respond.

Mr. Jim McDonell: Is that something we can ask, that it be brought back? If somebody will—I know it's fairly quiet on the other side.

No answer: That speaks volumes, I guess, as to what we can expect. I'm not sure why that answer.

To continue on, I want to portray that that's quite important, not only to the Chief Electoral Officer but to all the people we're asking to give up their time to come before this committee. It really makes you wonder, is there any intention to even listen, if we can't get something as simple as these amendments that they've talked about many times now—the importance of them, how they're earth-shattering and groundbreaking, how they're bringing democracy to a new level—but they're afraid to talk about them or to reveal them to the public.

We'll probably have some fireworks come out on the day they are revealed. Maybe it will be like the Ottawa Redblacks: Every time they score a touchdown—which maybe is not as much as it should be—the fireworks go off. Maybe when we see these amendments, we're going to see a big bang and something comes out.

All this is to say, if these are so important and so crucial to democracy and the future financing of parties and something you're hoping the other parties in other provinces will be following, that we be allowed to see them. It just seems a little bit crazy: We can't even get a commitment that that request would go back to the minister to ask that they be put forth.

There are some quiet people on the other side.

It would be interesting, if you went back and you talked to the average person on the street, what they might think of such a response and action by this government—that they expect us to seek comments on something that people have no idea what they're commenting on.

That's where we're going. Sometimes that happens for something that's minuscule and not a big issue or not a big deal, but we've also heard that it's earth-shattering and something they're proud of, the work they've put into it—but not proud enough to share it at this point.

So we're going to have something that will be quietly put in at the last moment and then limited on debate at third reading, I'm sure, because that's the tendency of this government over the last little while, and there's no chance to debate them, no chance for any political comment. I guess you might see an editorial in the paper; it might be there for a day, then it will all be put into place.

Once changes are made and people forget how this process works, they can turn around and say, "Look, it went through the Legislature. There was an opportunity for free debate like there is on any bill," but they will miss the asterisks that said this bill was treated differently, even though it was introduced twice. Suppose, in entirety, that these amendments that really are earth-shattering were held to the end and likely not even introduced, like some of the ones I've seen where the list of amendments were held back to the last day and instituted and put in.

Not that long ago I sat and talked with a member who's not on this committee about hearing from one of the independent officers, the chief financial officer, about his concern about the cap-and-trade legislation, where he

was being excluded from being able to give comment. We had amendments that were voted down. Then they came back and read a briefing—so it had been prepared beforehand—on how they consulted with him. They put in this last-minute amendment that would handle all his concerns, only to find out or to receive a letter the next day that not only did it not address the concerns but that they had not consulted with him.

I have a hard time when, to me, that's almost like a direct attempt to mislead this committee. That's what we saw at the end of June. I have a feeling that the same tactic is going to be brought forth again, and this time we will have no chance to accommodate—at that time, we left with a good feeling that the chief financial officer, who was not in attendance that day, was very much in support of what we were hearing and that, rest assured, the needs of the province were being looked after, only to find that that was not the truth.

I really hope that's—I'll give some credibility to the government. Hopefully, they've listened to some of the mistakes they've made and some of the pressure, and some of the results of the by-election we've seen in Mississauga, where people have told them they don't like the tactics being pulled. Hopefully they learn from that and start some straightforward—what you would expect from a government in a democracy such as Canada.

Anyway, I think those things are crucial. Although we can't get an answer from the government, I hope they take that message back to the minister, that we would expect that we would see those amendments before the Chief Electoral Officer and the other people coming in. We have two days of committee, and we're very careful to limit it to 10 minutes and questions, but again, you might as well sit there and put darts on the wall because you can't see what you're trying to address.

The Chair (Mr. Grant Crack): Thank you. Mr. Vanthof.

Mr. John Vanthof: Once again, thank you for the opportunity to speak to this amendment. As our member from Kitchener—

Ms. Catherine Fife: Waterloo.

Mr. John Vanthof: —Kitchener-Waterloo—I should know that by now, Chair, but I don't, as already stated.

As I sit here listening to this, we've heard a lot in the American electoral cycle that we've got a certain candidate who wants to build a wall. Well, sitting here in this committee today, we are looking at the Liberal version of a wall. It's a wall against transparency and openness, and the members opposite, sitting on the government side, can't enjoy sitting there. I feel a bit sorry for them, really. They are not participating because they've been told not to participate. I'm sure this happens in committee all the time. They'll say, "The opposition is just trying to waste people's time," but really, if you think about how ridiculous this position actually is—we have put forward an amendment to bring the Chief Electoral Officer to a committee hearing, which is a great thing. It should be pretty standard because we don't know what the government is going to propose.

If you really think that through—now, I'm sure the wordsmiths on the government side, although they're not saying anything at the committee, you can guarantee that in the House they'll have talking points about how every bill works. You have the hearings, then you bring the amendments forward, and that's how it's always done, but that's not how this bill was done.

This bill had hearings on first reading, and in the middle of those hearings the government promised groundbreaking changes. The way our parliamentary system hopefully—and again, I don't pretend to be a parliamentary expert. Ask me about milking cows, I'm pretty good. I don't pretend to be a parliamentary expert, but if you're really serious about bringing forward good legislation, if you're confident enough to announce in a press release that you're going to bring forward groundbreaking changes—and they may be good ones. Honestly, maybe we have our doubts, but they very well could be good ones. Why wouldn't the government just bring them forward, as they promised to do last Thursday, and then we wouldn't be—as the member from Kitchener-Waterloo said, this is four hours she'll never get back in her life. I'm sorry I stole that line. I'm sure that the members of the government feel that much more distinctly because they can't believe that this is actually the way you bring forward good legislation.

1650

I have a lot of respect for the members across the way. I have sat in the House and listened to, "Oh yeah, the debate is in the House, but it's at the committee where people kind of let their hair down"—if I can still use that—"and the to-and-fro, where the sausage is made." Well, you know what? There is not much being made here, and that's frustrating. It's frustrating because it's something that should be above politics—election financing should be above—and this obviously isn't, because games are being played here.

The government is going to say, "Oh, these opposition members. We are trying to move forward on this, and they're slowing things down." We're not slowing things down. Right now, the government—are the ones with the wall because they know what those amendments are going to be. They could have produced them by now, and we could be moving ahead with these hearings, picking dates, finding experts to actually—and the electoral officer is a given. The fact that we are having to argue for time for the electoral officer, in case these amendments demand the expertise of the Chief Electoral Officer, the person who actually is the expert on running elections in this province, is ridiculous. But here we are doing this.

If you really think about it, I've been here five years, and these last couple of hours—and I haven't been here long; I've only been here a few minutes out of those couple of hours—have been one of the most disappointing periods in my time here. We understand how it works in the House and that not every debate in the House is going to be earth-shattering. But this one? When we are told and they tell the public that they're going to make groundbreaking changes, that there are going to be amendments coming—

Mr. Jim McDonell: “Wait for it, wait for it.”

Mr. John Vanthof: “Wait for it. Hold the phone. They’re coming down the pipe.”

Now, we’re discussing the dates, we’re discussing who should be—but we have yet to see these “hold the phone” amendments. They are, despite what the House leader has promised, likely going to come just before—

Mr. Jim McDonell: Or after.

Mr. John Vanthof: —or after. Then we’re going to hear in the House, “Oh, yes, but that’s the way it always goes.” They’ll be able to muddy the waters enough that maybe the outside world won’t understand that. That could very well happen. But you know what? Sometimes making good government policy and good electoral policy isn’t just for the outside world; it’s actually to protect and enhance our democratic process. This bill could do that. Perhaps these amendments could do that, but the trust factor isn’t increased in the way this is being handled.

This isn’t your typical bill. It wasn’t handled like your typical bill at first reading. When that press release was put out, that wasn’t typical either. On a typical bill, yes, you can bring your witnesses in and then make amendments based on what the witnesses have said, but on your typical bill, you don’t announce that you have these groundbreaking changes in the middle of the process. When we were in the Legislature debating this, I thought, “Why are we actually debating this if they are going to gut it anyway?” It’s a question I still have.

If this is good electoral policy, put it on the table, take the lumps and come up with something that is going to be good. I’m sorry for the farm analogies, but here is where we make the sausage.

Ms. Catherine Fife: Maybe you can find another analogy.

Mr. John Vanthof: Yes, well, I only have one or two, and some of them you wouldn’t like.

It’s so, so frustrating because this one isn’t about—the government won the last election. They got a mandate to govern. Fine. We’re on the opposition benches and we hold the government to account, or try to. This bill isn’t really about the government’s mandate to govern. This is about our democratic system in this province, going forward. The fact that the government side can sit there like bumps on a log when we are trying to make credible arguments about why this should be done correctly, because this will go on for future elections, for future generations, and we get dead silence—it makes some of the things that Donald Trump is saying make sense. I hate to say that. We all laugh at Donald Trump.

Here we see the committee process, and this is what frustrates. This is why people lose their faith in the democratic system: because they know deep down somehow, or they feel deep down somehow, that we all use big words and they all feel they’re being scammed. And why that is: It originates in places like this where they’re not allowed or the amendments aren’t coming forward. The person on the street doesn’t really care about the amendments and doesn’t care about the system, but they do want to make sure it’s being done right.

The wordsmiths on that side will come out and say how we did all this wrong. And we’re going to come out to say, “No; we did this and this.” Then the people go like that: “These guys can never agree.” But on this bill, they’re doing it on purpose, and that’s just beyond the pale.

So yes, should we have the Chief Electoral Officer here? Definitely. Should he have two hours? Definitely. But do you know what? The crux of the matter is that we should have those amendments now. And I don’t know if the five across know what those amendments are—

Mr. Randy Hillier: They won’t tell us.

Mr. John Vanthof: But they won’t tell us. It would be great if one of them actually broke from the ranks and said, “Do you know what? We agree.” But they’re not going to do that. They’re going to wait for their wordsmiths to come out, or maybe another press release about how the opposition is holding this whole process up or how the opposition doesn’t understand the legislative process.

That’s not the case here. We fully understand. We understand it was announced that the government was going to make groundbreaking changes—which may be good or may not be good. They announced that. They have since even introduced another bill in the House. So they had lots of time, because they introduced another bill. We thought, when we heard they were introducing the bill, that maybe they’re introducing it as a separate bill. Maybe it’s so substantive that it needs a whole separate bill of its own. But no. Here we’re still left wondering when the other shoe is going to drop. We can be accused, and we will be accused, “Oh, they’re filibustering,” but no, we’re not. Some of us actually care about the democratic process—really do care. I think that the people across the way do too, but they’ve been told not to. That is truly a sad day in the Legislature of Ontario.

The Chair (Mr. Grant Crack): Mr. Hillier?

Mr. Randy Hillier: Thank you, Chair. Faced with the silence from the other side, I think it’s important, and I want to convey this to this committee on this amendment: There was a time when Liberal members were not so quiet. They were outspoken. I want to quote a few passages from the Canadian Parliamentary Review from the spring of 1997. It’s about a ruling by the then Speaker of the House, Chris Stockwell. He made this ruling when the member from Oakwood, Mr. Colle, stood in the House and rose on a point of privilege. I believe that’s the same Mr. Colle who represents Eglinton–Lawrence now and who’s a member of this committee. If I’m incorrect, please let me know and I’ll correct the record. Mr. Colle, the member for Oakwood in 1997, rose on a matter of privilege in response to the Conservative government of the day’s legislation and actions regarding the amalgamation of the city of Toronto.

1700

I’ll just read a very little bit. In Speaker Stockwell’s ruling, he researched and referenced Speaker Sauvé, Speaker Fraser, Speaker Warner and other precedents

from the Ontario Legislative Assembly. He states this: "However, I am very concerned by the ministry pamphlet, which was worded more definitely than the commercial and the press release. To name but a few examples, the brochure claims that 'new city wards will be created,' that 'work on building the new city will start in 1997,' and that 'the new city of Toronto will reduce the number of municipal politicians.'"

He goes on to say: "How is one to interpret such unqualified claims? In my opinion, they convey the impression that the passage of the requisite legislation was not necessary or was a foregone conclusion, or that the assembly and the Legislature had a pro forma, tangential, even inferior role in the legislative and law-making process, and in doing so, they appear to diminish the respect that is due to this House." It's that last one, that the Legislature had an inferior role in the development of legislation, that is exactly what we're seeing here today and what necessitates me hedging my bets in putting in an amendment to get the Chief Electoral Officer here.

Clearly, we have been put in an inferior role by this government. I find it interesting. The member now is absolutely quiet. He doesn't have anything to say about putting the Legislature in an inferior role today when his government is the one that's doing it, but he was very vocal when he was a member of the opposition back in 1997. It must cause the member to lie awake at night wondering what happened to this vocal champion of democracy when he was in opposition to what he has become today here in this committee.

I wanted to put forward just a little bit more. Speaker Stockwell quoted Speaker Fraser in this ruling and stated, "Speaker Fraser stated he would not be as generous in future in a similar situation and that, 'we are a parliamentary democracy, not a so-called executive democracy, nor a so-called administrative democracy.'" But that's exactly what we're seeing play out here in this committee: an executive democracy.

The executive has instructed five members of this committee to know nothing, see nothing and say nothing. The executive has made the decision, and there is no role for the five Liberal members on this committee. They cannot engage in discussion. They cannot put forth an argument. They cannot defend their silence. They can't defend anything. That's why I used the term earlier, when I first met this silence, of a Stalinesque approach. That's executive decision-making. Of course, nobody would consider Stalin's to be an executive democracy, other than Stalin himself, maybe, but it's the same procedures that we're seeing here.

Chair, I referenced O'Brien and Bosc, in the House of Commons Procedure and Practice, about putting the onus on the government to bring forward complete bills. I brought forward the procedures about having incomplete bills. When the government does not follow the procedures and practices in the standing orders, then members have an obligation to stand up and speak out, as Mr. Colle did back in 1997, unlike how he sits and remains silent today.

It's not only members of the opposition who can ask for a Speaker to rule; members of the government—backbenchers, because the backbenchers are not members of government. They're not members of cabinet. They're not members of the executive. They're backbenchers who are there to represent their constituents and to hold government to account as well. It's not just opposition members who are to hold government to account.

The five members here today obviously want to permit and facilitate and allow an executive democracy to take place here, or an administrative democracy, but they're certainly not protecting or defending or upholding parliamentary democracy with their actions today.

Speaker Stockwell ruled that it was contempt of Parliament. I congratulate the member, Mr. Colle, for bringing that forward and holding government to account nearly 20 years ago today. I think he could still do it today, if he chose to. I think he would like to be able to hold government to account. I think it's part of the nature of quality individuals to do their job and to stand up and speak out and be counted. I do hope that they do.

I want to emphasize and restate for the record, Chair, so that every Liberal member of this committee knows: I've got this amendment to permit and facilitate the Chief Electoral Officer to be here. I said at the outset that it's premised on the understanding that the amendments will be provided to the opposition ahead of time or at some time. I want to state for the committee members that if the amendments are revealed to us and there does not appear to be cause or justification to have the Chief Electoral Officer come to the committee, I'll certainly support or even initiate an amendment to strike that out. But until I have some level of confidence that the amendments are not within the Chief Electoral Officer's realm of expertise, I have to leave that in there.

I would like the member for Eglinton—Lawrence to at least identify to the committee that the ruling that I was referring to is indeed him and that I didn't make an error that the member from Eglinton—Lawrence is also the same member from Oakwood in 1997.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I guess I'm searching for some clarification. I wasn't at the press conference, but when I heard of the results of it—you know, you could almost hear the trumpets starting to blow there with these supposed amendments.

1710

I just wonder, because generally—I hear many times at this level that legislation is somewhat mute on any important, key items. A lot of the direction this government does is in regulation, where you don't see what will be released in the future. I guess I should take some comfort that these were large enough changes, or important enough changes, that the government saw that they had to actually be in the legislation, that they couldn't be trusted to regulation—but it's as quiet. We're not seeing them. It's almost like you're trying to slip in

some regulation for a future date that may or may not have to be done.

I'm at a loss as to why—when I listened to the comment about four hours wasted here, that's exactly what it is. Look at the five members of the opposition. It would be interesting—if they got a memo or if they were just quietly pulled aside and told not to say anything today. I've never seen any action here. It's quite different than question period, where I heard a lot of hooting and hollering from both sides, including theirs. Today, people are reading their emails and trying to catch up with some of their news. Maybe they're playing the odd game over there, but certainly there's no response back from the committee. It's really one-way.

Something that is heralded to be such an important issue in today's electoral process—we needed special legislation. It was being rushed through, and it would be, in those famous words, "open and transparent." But we're seeing members of the committee who have obviously been directed not to say anything. I don't know if that's because they might say something that they actually believe, and it might not be the government's beliefs, but it really leaves a hole in what we're trying to do, I believe, at this committee. You know, the practice of parliamentary procedure is that bills are tabled, and at least on face value you listen to expert panels, experts in the field. It would improve the bill, but obviously this is not the case here.

It's a little bit like the fishing pond. You used to put in your money, then you'd put your line over. You relied on whoever would put whatever on the hook, that you'd be happy. If there were children around—this is kind of the same thing. You're putting the fishing rod in the black box and you're hoping the amendments that come out will be positive. We're not quite sure. Generally, when you're four or five years old, people are happy with whatever toy comes out on the line, but I think we're a little beyond that. On this committee, we should be looking forward to having amendments that actually have some meat.

Actually, they shouldn't be amendments. They should have been part of the bill. After travelling all summer, obviously there were some issues that the government saw as being necessary. I heard the comments that they actually got caught and were embarrassed, and they were trying to paint everyone in the Legislature as being in the same black cloud that we've seen over this government. They saw that these amendments were necessary. Okay, so you had them at the end. But they didn't do that.

Then, when it comes to the second attempt, all the amendments they put in the bill were included, except these two fishing-pond ones that we're still waiting for were not added. It's not like the opportunity wasn't there. It's not like they're not there today. They are still telling the people of Ontario that they have got the magic wand here, the important changes that will stop governments from repeating what's been going on over the last 13 years. It's so important, because you look at what we've got, and they think it's important that these rules are put

in place so that we don't get this type of actions going on again.

Maybe they're waiting to see if anybody is paying attention. Then they kind of withdraw what they think might have to be done, because they've been embarrassed by their own actions. Maybe they're finding out that people are actually paying attention and there will have to be substance in what they're doing here. But of course, as it is, it's almost admitting that this has been common practice in this province for the last 13 years, and it must stop. That's still anybody's guess.

I know that the member here from the third party talked about being an expert at milking cows. I would normally agree with him, but I hear he's got a relative who questions that in the House. It's the same thing here. This can all be Inside Baseball. Does anybody on the outside really care?

But you know, there are people in this Legislature that the public listens to, and that's generally the independent officers, like the Chief Electoral Officer. I'm worried that even if we pass this bill, there's no guarantee that he's going to have anything to comment on or an appropriate time. Don't give it to him on the way in the door and say, "Now you've got an hour to talk about it."

With amendments that are so important—and I'm only going from the word of the government that they're so groundbreaking—I would hope that we would give his office some time to review and some time to compare it to similar legislation in all the great parliamentary democracies around the world. I suspect, from what's going on here today, that will not likely happen. I know they've been embarrassed by him in the past, by his independent views. They've been embarrassed by the Auditor General's independent views.

But that's the way democracy works. We have people that the electorate and this House choose to get the message back to the people. Democracies depend on the people having the information about not only the government by the other parties. That doesn't seem to be what this government wants. Earlier, on the cap-and-trade legislation, we saw officers being basically cut out of the process. Mandates that they had in the past were being curtailed for many of these officers.

Again, there's bragging about being open and transparent, but all we see is completely the opposite. We're not getting any explanation from the five members—they are the majority on this committee—about where they're going with this, what is the reason for this or what is the reason for their silence. All we're getting is silence. I just have a hard time believing that—any leader of a party, certainly in our party and, I think, in the third party, would have a hard time telling people they're not allowed to say anything and expect it to be carried through. Sometimes there are bad examples of people saying things, but that's really our job here.

I didn't hear all the debates that went on during the last election, but I'm sure that when people stood up to talk at their all-candidates' meetings, they said they would carry the voice of their constituents back to

Toronto. I never thought that the voices in our ridings were that silent. They obviously must have been, because there's nothing coming back. It's a sad statement on the people of Ontario if that's all the interest we have.

I often get asked in my riding how this can happen. Is nobody else interested in the province? Because I think of rural Ontario and some of our constituencies, and people are upset with what happened. I can't help but think that maybe it's because they're more engaged, or maybe because they have people coming back with the message of what's happening. In other areas of this province, they're not hearing what's happening. Their representatives are very silent on what's happening, and that's a problem.

You're relying on one paper in Toronto to get the word out of what they feel is happening in this Legislature. There are people who think that one media outlet is somewhat slanted. Even they are having a hard time. Actually, I have to give Toronto Star a lot of credit, because they've broken s

some of the more outstanding and outrageous, I guess you'd say, stories since I've been here, whether it be Ornge air ambulance or some of the scandals that forced the government into releasing information they normally, or actually till that time, had done everything they could to make sure wasn't released.

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Although I hear a little bit of the trumpets in the background, and I'm expecting these amendments to come out, they've all of a sudden become silent so that I'm wondering is, it actually a trumpet or just something else that was heard in the hallways of this Legislature? Because we're not hearing anything today and we're not hearing anything from the government—absolutely nothing. No response to our questions or comment. I guess you'd have a hard time commenting on this amendment unless you would be speaking in favour of it because how could you be against it? How could you be against the Chief Electoral Officer presenting on this bill and the amendments that this party is talking about?

I guess I'm afraid that the vote will probably go negative. Are they really looking for comment and expert advice, or are they really looking for people to roll over and continue to see the slide of this province to a point where the services that we have grown to expect are no longer affordable? I'm afraid it's going to be just that because they've been able to keep the stories out of the papers, out of the media, because there's no comment. Unless you're listening to us here—it has very limited access. If you happen to be in the House today, you can watch it, but I don't believe you can see anywhere else what's happening here and people will be somewhat shocked.

Chair, I'm hoping that we make this amendment count and that we give the Chief Electoral Officer ample time to be able to review and do his job. These people are paid good money because they're experts, but if we're not going to allow them to do their job, then it's a waste of money. We've seen so often in this government just a

waste of money. People are finally standing up. They're fed up, and I think it's time to allow the officers to do their work. It's just another example—are we going to see these two amendments dropped on the table like they were the last time—the last amendments put through, allowing comment? Generally—I'm not sure—I think that if the amendments aren't passed, they'll be looked upon as deemed to be passed. Then, of course, at that point will they drop the amendments on the table or will it be before that? Because they have to be somehow dropped on the table before that meeting and that session is over. We are time-constrained to it.

Usually when I've seen any amendments not passed, they will be deemed to be passed and hopefully by that time at least we'll all have seen these amendments so we know what will be put in the final bill. Maybe that will be the surprise time: When it's finally printed up, we'll be allowed to see what was there that we were not allowed to vote on.

I'm looking forward to seeing the result of this and hoping that there's some credibility on the other side. It's something that people in my riding are really questioning. There are things they say that I can't repeat here, but it's getting people up in arms and it's all about—I tell people they're out of money. There's so much money wasted that there's none, despite the fact they're collecting more than double what they collected when they came to power.

I sat in a meeting last week and I had a bit of a laugh that one of their operatives stood up and talked about how much more money they're spending in infrastructure: a full \$10 billion more. My question really was, "Where's the other \$55 billion, because that's the extra money you're collecting and we're not seeing that going into infrastructure?" That's really the question people should be asking: "Where's the money?" As my brother Harold would say, "Show me the money. It's all about the money." There's \$65 billion extra disappearing and we're not seeing the results.

Let's hope the silence on the other end will end and they'll actually go back to the Premier and the ministers and say, "Look, the opposition is doing something crazy. They're asking to see the amendment before they vote on it, and we think that's fair."

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: I think I just want to make a couple of brief comments. It was mentioned that there's a waste of time, that this committee has become a waste of time.

Interjections.

Mr. Randy Hillier: I know there's a lot of chatter going on across the aisle here. Listen, as far as I'm concerned, when we defend democracy, that can never be considered a waste of time. When we stand up and speak out in defence of parliamentary procedures and practices, that's not a waste of time. That's our job.

I would say to the member from the third party and my colleague here: Don't ever think that what we're doing is a waste of time. If we want to see what waste is,

we just have to look across this committee table. That's a waste. Not holding government to account is a waste. Not standing up for their constituents is a waste. Not having a voice is a waste.

I think an admirable job has been done by the opposition and by the third party today in trying to defend parliamentary procedures and practices and defend against this totalitarian style of Parliament that the Liberals are trying to bring in. That's what we're doing.

I just want to briefly—this is mostly directed at the member for Eglinton—Lawrence. Two brief paragraphs from Speaker Stockwell's ruling:

"It is not enough for yet another Speaker to issue yet another warning or caution in circumstances where the wording and circulation of the pamphlet appear on their face to cross the line. I say in all candour that a reader of that document could be left with an incorrect impression about how parliamentary democracy works in Ontario, an impression that undermines respect for our parliamentary institutions."

That's what the Speaker's ruling was on. That's what the member from Oakwood at the time—the member for Eglinton—Lawrence today—stood up to defend, to not allow our parliamentary democracy to be undermined. He did his job once. I'd like to see him continue to do his job.

The Speaker went on further about the impression that undermines respect for our parliamentary institutions: "For these reasons then, I find that a *prima facie* case of contempt has been established"—contempt. Not just a breach of privilege; contempt was established. The Speaker went on to say: "At the end of this ruling, I will entertain a motion with respect to the matter of the ministry pamphlet raised by the member for Oakwood."

I would like to know: What remedy did Mr. Colle offer up to the Speaker of the day to remedy that attack, that undermining of democracy? What was his remedy that he offered up? Would he share that remedy with us? Would he share his view of whether or not that remedy is needed today, when the government refuses to permit or allow legislators to understand or to see the language of the amendment?

Let's see them stand up. I know seals have a hard time standing. However, members of the Legislature should never have an inability to stand up.

1730

I'm thankful that we have things such as Hansard and the Parliamentary Review. I think it's a good lesson for all members on this committee to understand: Our actions are recorded. They're known for all time. Everybody will be able to look back in Hansard and look back at the history of this Legislative Assembly and find out the names of the five members on this committee from the government who failed to do their job, who failed to voice any comment, who failed to respond to any question, who failed to defend their actions.

For all time it will be recorded that the parliamentary assistant, Lorenzo Berardinetti, did not say a thing; Harinder Malhi didn't say a thing; Ann Hoggarth didn't say a thing; Mike Colle wouldn't even confirm that he's

the same Mike Colle who was such an ardent and articulate defender of democracy in 1997—it's as if he might be ashamed of standing up for democracy 20 years ago; and of course, Yvan Baker, who did say something today: "Call the question, call the question, call the question," never any response.

I know that I will always be able to be proud of the comments that I've provided to this committee. I'll always be proud that I defended democratic procedures and practices, but I'm not so sure that the members opposite of me will have that same sense of satisfaction and pride. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion on the amendment by Mr. Hillier? Ms. Fife.

Ms. Catherine Fife: I think it's been a frustrating afternoon for everyone on this committee. I really am not quite sure who is running the show anymore at this place; I really am not. This committee has as a task before us to try to organize the work that we have to get done—because we do have a deadline, right? Our deadline that the government has imposed is January 2017. That's in the press release and that has been the promised timeline to complete our work.

We have argued on this side of the House that in order for us to complete our work we need the information to do so, the amendments to do so. We have argued for additional hours for us to call witnesses. We have argued for additional hours of time to ensure that the public input into this process actually will be meaningful.

Predicating all of those conversations, though, is our call for the amendments that the government is unwilling to share with us, despite the promise that was made at House leaders'. I'm not sure if that caught our fellow Liberal colleagues by surprise when our House leader revealed that as early as Thursday night—that was at 4:30 last Thursday—the government side, with the PC House leader and the NDP House leader, there was an agreement made in principle to share these amendments to Bill 2.

I remember following up because I know that the member from Lanark—Frontenac and—Addington?

Mr. Randy Hillier: Lennox and Addington.

Ms. Catherine Fife: Lennox and Addington. I did receive the letter that he wrote to the Attorney General on Friday and I thought, "It's good to document your concerns, but we have some reassurances from the House leaders that we are going to be able to see these amendments." I felt that it was fine for him to write the letter, but I have to tell you, when my House leader contacted me and said, "Listen, they are going to show you the amendments," I was like, "Okay. That's good. That's showing good faith in the process."

To have this motion come before us today, with these very fast-tracked timelines, which make no assurance to the committee members that we will actually have the appropriate information to debate Bill 2 in its new form, in its transformative form, in its substantively changed form—I've never seen this before. I have never seen four hours of committee work where the government side

cannot speak to an amendment on the floor with some independence or with some autonomy, as members. They have the responsibility and they have the right to do so as members who are elected by the constituents in their respective ridings. To have them be silenced or shut down is incredibly worrisome for us. I think my colleagues in the official opposition have articulated that quite well.

The basic motion is so very simple. The government should be able to say, "Yes, the Chief Electoral Officer for the province of Ontario should come to this committee and he should have enough time to give an informed opinion on the amendments," which we still don't have but we're going to have to get them eventually. The government can't hold that information within their own ranks in a parliamentary democracy. They should not be allowed to do so. Really, it's getting very close to a form of contempt of this committee to not be forthcoming with that information. It does leave us, as committee members, really challenged to complete our task.

At one point, I did think I will never get this time back. All of us, I'm sure, have very busy lives and we want to be productive. I wanted to have a productive meeting today in the sense that we could navigate through the work that's before us, as a committee, in a responsible manner. While I appreciate the fact that the member from the PCs has said that this has not been a waste of time, I can tell you that it has not been a productive use of time, because we could have been discussing so many more aspects to election finance going forward.

Of course, there should be clarity around the terms of engagement that this committee is going to have with the people of this province. There should be greater clarity around what the scope is of this legislation going forward. So to be in a place, after almost four hours, of only three members of the committee essentially speaking—I've never experienced this before.

I just go back full circle and I wonder who is running the show over there, because if it's the Attorney General, he has said, as he did on September 13, that they're going to propose an amendment to ban all MPPs, candidates, party leaders, nomination contestants and leadership contestants from attending public political fundraising events. This is the position. It's a matter of public record; it's on the public record. The Attorney General has said this, so let us see the legislation which has informed this statement from the Attorney General. We are owed that. More importantly, the people of this province are owed that. We have a shared responsibility on this committee to ensure that whatever public input we receive reflects this statement. This statement is not hypothetical; it's a

matter of the public record. It's also contained within the Hansard.

There has to be some ethical standards for driving the work of this committee. Today, though, that bar was very, very low and it was not met, in the opinion of the NDP and in my own personal opinion. While defending the process, because the integrity of the process will always matter in our democracy, I really feel like we could have been much more productive. This was a missed opportunity on the government's side of the House to actually follow through on their proposed true collaboration and their "true openness and transparency" language that they have been using excessively.

The Chair (Mr. Grant Crack): Mr. Hillier?

Mr. Randy Hillier: Just a quick comment, Chair. Earlier, I thought that my clock was synchronized with yours, but I wanted to make sure it is. If the committee Chair could confirm that it's 5:40?

The Chair (Mr. Grant Crack): I have 5:40.

Mr. Randy Hillier: Thank you, Chair. That's appreciated.

The Chair (Mr. Grant Crack): Okay. Any further discussion on Mr. Hillier's amendment to the motion?

Mr. Randy Hillier: Chair, I would like to have a recorded vote.

The Chair (Mr. Grant Crack): I shall call for the vote, then. And there has been a request for a recorded vote, which shall be entertained.

Mr. Randy Hillier: And I would also like to request a 20-minute recess.

The Chair (Mr. Grant Crack): And that is in order. This committee will be recessed for 19 minutes—

Interjection.

The Chair (Mr. Grant Crack): Because it's 5:41, what we shall do is, at our next regular meeting, we will take the—we'll adjourn now and we will use this time towards the—

Mr. Randy Hillier: Recess.

The Chair (Mr. Grant Crack): The recess—not the recess, but—what do you call it? Yes, a 20-minute recess for the break. We will reconvene on Wednesday and immediately go to the vote. And it will be a recorded vote. So, Wednesday at 4, after House business.

Mr. Randy Hillier: Such a fine job, Chair.

The Chair (Mr. Grant Crack): Thank you very much.

I want to thank everyone for their great work this afternoon. This meeting is adjourned.

The committee adjourned at 1741.



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